

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE

RODGER BATEMAN, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Civil No. 3:10-cv-00765

Judge Haynes

ANDY
This motion
NOTED
See [initials]
NSD
1-12-11

UNITED STATES' MOTION FOR LEAVE TO FILE REPLY

The United States of America, on behalf of all named defendants, by and through its attorneys, pursuant to the Local Rules of Court: LR7.01(b), moves the Court to enter an order granting the United States leave to file a reply to the plaintiffs' response to the United States' motion to dismiss:

1. On October 15, 2010, the United States filed a motion to dismiss the instant suit pursuant to Fed. R. Civ. P. 12(b)(1) and (2) for lack of jurisdiction, Fed. R. Civ. P. 12(b)(5) for insufficient service of process, and Fed. R. Civ. P. 12(b)(6) for failure to state a claim. (PACER #67).
2. On December 27, 2010, plaintiffs opposed the motion to dismiss. (PACER #107.)
3. The United States requests leave to file a reply because plaintiffs' response to the United States' motion raises issues that were not addressed or alleged in the plaintiffs' original complaint. Specifically, plaintiffs now allege an action under the "Government Tort Liability Act." In addition, the plaintiffs have made accusations that counsel for the United States has intentionally misrepresented the law in relation to 26 U.S.C. §7433. A reply is necessary to allow the United States the opportunity to address the new arguments raised in plaintiffs'